



image

1646 \$

Practitioner's Docket No. 2605/101

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Toshio Miyata

Application No.: 10/018,311

Group No.: 1646

Filed: 04/28/2000

Examiner: O'Hara, E.

For: MEG-3 PROTEIN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

- Transmitted herewith is an amendment for this application. Also enclosed is a copy of the English translation of the International Preliminary Examination Report for PCT/JP00/02831.

STATUS

- Applicant is other than a small entity.

EXTENSION OF TERM

- The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____.

Signature

Barbara J. Carter

(type or print name of person certifying)

Date: November 17, 2003

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Fee: \$110.00

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. FEE
TOTAL	20	= 0	\$ 18.00 = \$ 0.00
INDEP.	3	= 0	\$ 86.00 = \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM		+ \$ 0.00	= \$ 0.00
		TOTAL ADDIT. FEE	\$ 0.00

No additional fee for claims is required.

FEE PAYMENT

5. Authorization is hereby made to charge the amount of \$110.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

FEE DEFICIENCY

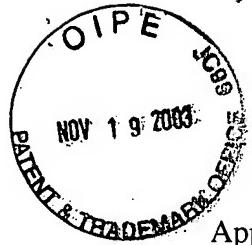
6. An additional extension and/or fee is required, charge Account No. 19-4972.

An additional fee for claims is required, charge Account No. 19-4972.

Date: November 17, 2003



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Miyata et al. Art Unit: 1646
Appl. No: 10/018,311 Examiner: Eileen O'Hara
International Filing Date: April 28, 2000 Docket No.: 2605/101
Invention: MEG-3 PROTEIN

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, Box 1450, Alexandria, VA, 22313-1450 on November 17, 2003.


Barbara J. Carter

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

RESPONSE A

Dear Sir:

Applicants respectfully submit this communication in response to the Office Action of September 17, 2003.

Restriction Requirement

The Office Action of September 17, 2003 states that "Restriction is required under 35 USC 121 and 372" (see page 1 of Office Action) and goes on to list five restriction groups from which to elect. Applicants traverse the requirement, but provisionally elect Group 1 (claims 1-6 and 8-11), drawn to a protein, nucleic acids encoding the protein, and method of recombinantly producing protein. Upon traversing the requirement, Applicants request that Groups I-IV be examined on the merits in the same prosecution round.